

**ZONING COMMITTEE MEETING  
TUESDAY, APRIL 28, 2009 @ 6:30 PM**

**ITEM #1**

Application for a Special Permit under section 275-58 C (7) for the purpose of accident vehicle storage located at 1660 Westover Rd. Applicant: Jeremy Procon, Interstate Towing, Inc., 1660 Westover Rd., Chicopee, MA.

**ITEM #2**

Application for a Special Permit under section 275-50 for the purpose of an awning 4'h x 3' proj x 30' long for Polgold Jewelers located at 61 Cabot St. Applicant: John Lemanski, Sign Techniques, 361 Chicopee St, Chicopee, MA.

**ITEM #3**

Application for a Home Occupation License at 56 Ellerton St. for the purpose of custom made draperies, valances, cushions, pillows and sewing projects. Applicant: Marcia O'Donnell, same address.

**ITEM #4**

Application for a Home Occupation License at 151 Silvin Rd. for the purpose of computer/technology consulting. Applicant: Gregory Drake, same address.

**ITEM #5 – Tabled 3-31-09**

Application for a Zone Change from Bus B to Rec C for 1.7 acres of property located at 133 Leona Avenue (lot) for the purpose of constructing condos. Applicant: Vitaliy Dzhenzherukha, 32 Westview Ln, Feeding Hills, MA 01030.

**ITEM #6 – Tabled 3-31-09**

Application for a Special Permit under section 275-54 for the purpose of waiving the frontage requirement from 150 ft. to 72 ft., side yard setbacks from 20 ft. to 10 ft., rear yard setback from 20 ft. to 14-15 ft. (depending on Building) located at 133 Leona Avenue. Applicant: Vitaliy Dzhenzherukha, 32 Westview Ln, Feeding Hills, MA 01030.

**ITEM #7**

Ordinance amendment add to City Code Chapter 275-6 Site Plan Review; M. Priority Development which establishes purpose, applicability and process for MGL 43D projects. Complete text available in the City Council Office. Petitioners: Councilor Croteau, 274 Front St., Chicopee, MA 01013.

**ITEM #8**

Minutes – 3-31-09



**CHICOPEE CITY COUNCIL**  
**ZONING COMMITTEE**

**ACCEPTED 5-26-09**

**ZONING COMMITTEE MEMBERS**

Jean Croteau, Chairman  
Dino A. Brunetti, Vice-Chairman  
James Tillotson  
George Moreau  
John Vieau  
Fred Krampits  
Donald Demers

**MINUTES**  
**April 28, 2009**

The following are the minutes of a public hearing held Tuesday, April 28, 2009 at 6:30 PM in the City Council Chambers, Fourth Floor, City Hall Annex, 274 Front Street, Chicopee, MA 01013.

**Members Present** Croteau, Brunetti, Tillotson, Demers, Vieau (arrived 6:32)

**Members Absent** Moreau, Krampits

**Also Present** Dan Garvey (City Solicitor), Kate Brown (Planning Director), Councilor William Zaskey

The meeting was called to order at 6:30 PM

**ITEM #1**

Application for a Special Permit under section 275-58 C (7) for the purpose of accident vehicle storage located at 1660 Westover Road.

Applicant      Jeremy Procon  
                    Interstate Towing, Inc.  
                    1660 Westover Road  
                    Chicopee, MA 01020

Applicant was present at the meeting. He stated that he is requesting this special permit to be able to park short term towed vehicles on this property. These vehicles would not be accident vehicles but ones that were towed because of expired driver's license or expired registration. He is requesting the permit for 12 vehicles.

**Public Input**

Beatrice Carpenter, 1661 Westover Road, stated that she is in favor of this application.  
Donna Fontaine, 1661 Westover Road, stated that she is in favor of this application.  
Bobbie Teehan, 1675 Westover Road, stated that she is in favor of this application.  
Gary Lavigne, 1700 Westover Road, asked whether vehicles will be parked outside of the fenced property. Mr. Procon stated that cars will only be parked within the fenced property.  
Mr. & Mrs. Locke, 1637 Westover Road, asked whether business will increase because of this special permit. Mr. Procon stated that the same business activity will continue. This special permit will allow the drivers to park these vehicles on this property instead of moving the vehicles to Donahue Road.

All the abutters stated that Mr. Procon is a good neighbor and addresses their concerns immediately. Mr. Procon stated that idling trucks are monitored and anyone who violates the rules is written up.

Councilor Brunetti stated that he visits the property at least once a week and he does not receive complaints from neighbors regarding the business. He stated that Mr. Procon is a good neighbor and issues get resolved immediately.

## RESTRICTIONS

1. Not to be used for damaged vehicles (no leaking fluids)
2. All vehicles (towed or carried) must be kept within fenced area
3. Not be used for accident vehicles
4. No prolonged idling – according to state law
5. Permit to run with the applicant
6. Only exception is investigation vehicles – limited time

Motion made by Councilor Brunetti to approve with restrictions.

Committee vote        4 – 0 favorable.

### **ITEM #2**

Application for a Zone Change from Bus B to Res C for 1.7 acres of property located at 133 Leona Avenue (lot) for the purpose of constructing condos.

Applicant        Vitaly Dzhenzherukha  
                      32 Westview Lane  
                      Feeding Hills, MA 01030

Applicant was present at the meeting. He presented the committee with the following letter:

*To Whom It May Concern:*

*I am asking that the hearing for a zone change and special permit for 133 Leona Avenue to the next available meeting. I am also granting permission to the city council zoning committee to extend the time and date that they have to make their decision.*

*(Signature)*

*Vitaly Dzhenzherukha*

Letter was amended to include *extend additional 90 days*.

### **ITEM #3**

Application for a Special Permit under section 275-54 for the purpose of waiving the frontage requirement from 150 ft. to 72 ft., side yard setbacks from 20 ft. to 10 ft, and rear yard setback from 20 ft. to 14-15 ft. (depending on Building) located at 133 Leona Avenue.

Applicant        Vitaliy Dzhenzherukha  
                      32 Westview Lane  
                      Feeding Hills, MA 01030

Applicant was present at the meeting. He presented the committee with the following letter:

*To Whom It May Concern:*

*I am asking that the hearing for a zone change and special permit for 133 Leona Avenue to the next available meeting. I am also granting permission to the city council zoning committee to extend the time and date that they have to make their decision.*

(Signature)  
Vitaly Dzhenzherukha

Letter was amended to include *extend additional 90 days*.

**ABUTTERS WILL BE NOTIFIED OF THESE TWO APPLICATIONS AT THE EXPENSE OF THE APPLICANT. APPLICANT WILL NOTIFY THE CITY COUNCIL OFFICE WHEN READY TO PROCEED.**

**ITEM #4**

Application for a Special Permit under section 275-50 for the purpose of erecting an awning 4'hx3'projx30'long for Polgold Jewelers over a public sidewalk located at 61 Cabot Street.

Applicant      Sign Techniques  
                    John Lemanski  
                    361 Chicopee Street  
                    Chicopee, MA 01013

Applicant was present. He stated that this special permit was granted over a year ago. However his client was not ready to proceed at that time. When the sign was erected the Building Department informed the applicant that the Special Permit expired and a new application would have to be made.

Chairman Croteau informed the applicant that money is owed and that will have to be paid prior to Tuesday's City Council meeting. Also the Fire Department will have to be provided with a certificate of flame resistance from the manufacturer. Once OK with Fire notify the City Council office.

**RESTRICTIONS**

All bills must be paid by 5-4-09  
Must present fire resistance certificate to Fire Department  
Permit run with the applicant

Motion made to approve with conditions

Committee vote      5 – 0 favorable.

**ITEM #5**

Application for a Home Occupation License located at 56 Ellerton Street for the purpose of custom made draperies, valances, cushions, pillows, and sewing projects.

Applicant      Marcia O'Donnell  
                    56 Ellerton Street  
                    Chicopee, MA 01020

Applicant was present at the hearing. She stated that she realizes that she lives at a dangerous location. However, if the claim by the board members was that it was so dangerous, why has nothing been done to correct the problem? The nature of her business is not one that generates traffic. Typically she may have one customer or student a week. She is ample off street parking. She does not expect customers to be coming to her home. She goes to the client's home to measure and install. Her business would not change the appearance of the neighborhood.

Chairman Croteau informed the applicant that money is owed and will need to be paid prior to this application being granted.

#### RESTRICTIONS

All bills to be paid by 5-4-09

Park customer vehicles in driveway

Any students must park in driveway

Sign no more than 2 sq. ft. comply with sign ordinance

Motion made to approve with restrictions.

Committee vote        5 – 0 favorable.

#### **ITEM #6**

Application for a Home Occupation License located at 151 Silvin Road for the purpose of computer/technology consulting.

Applicant        Gregory Drake  
                     151 Silvin Road  
                     Chicopee, MA 01020

Applicant was present at the meeting. He stated that he will be going to the businesses to address their computer needs. There will be no deliveries made to the home and no customers coming to his house. After researching the permit that he is required to have on legalzoom.com he applied for this license.

Committee vote        5 – 0 favorable.

#### **ITEM #7**

BE IT ORDAINED by the City Council that the Code of the City of Chicopee for the Year 1991, as amended, be and hereby is further amended as follows:

Add to Chicopee City Code Chapter 275-6 – Site Plan Review

##### M.        Priority Development

- (1) Purpose. The Chicopee City Council has adopted the provisions of MGL Chapter 43D and established Priority Development Sites which are shown on a map entitled "City of Chicopee Priority Development Sites Map" available for view in the City Clerk's Office and the Department of Planning & Development. The purpose of these districts is to promote economic development as encouraged by the Commonwealth of Massachusetts Smart Growth initiative.
- (2) Applicability. The provisions of this section apply only to those officially designated locations shown a map entitled "City of Chicopee Priority Development Sites Map". Unless specifically noted in this section, all provisions of Chicopee City Code Chapter 275 (Zoning) apply to projects located within a Priority Development Site.
- (3) Process, Review and Decisions. For Priority Development Site projects, all Special Permit, Variance, and/or Site Plan Review decisions by their respective approving authorities shall be issued within 180 calendar days after the filing of a complete application with the appropriate body as specified in Chicopee City Code Chapter 275 (Zoning) Decisions may include approval, approval with conditions, or denial of the proposed project in accordance with Chicopee City Code Chapter 275 (Zoning) and MGL 43D.
- (4) Concurrent Filings. Concurrent filings are allowed for Priority Development Site projects that require permits from more than one approving authority.

Committee vote        5 – 0 favorable.

**ITEM #8**

Minutes – March 31, 2009

Motion made to approve. Motion passed.

Meeting adjourned at 7:30 PM.